

# INFORMATION SHEET

## DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

**DISTRICT OFFICE:** Saint Paul District

**FILE NUMBER:** MVP-2004-160581-RMG

**REGULATORY PROJECT MANAGER:** Rebecca M. Gruber **Date:** December 6, 2004

**PROJECT REVIEW/DETERMINATION COMPLETED:** **In the office (Y/N)** **Y** **Date:** Dec. 03, 2004

**At the project site (Y/N)** **N** **Date:**

### PROJECT LOCATION INFORMATION:

State: Wisconsin

County: Ozaukee

Center coordinates of site by latitude & longitude coordinates:

**47.2415, -87.1766 (NAD 27)**

Approximate size of site/property (including uplands) in acres

110 acres

Name or waterway of watershed: Milwaukee

1 unnamed wetland

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands		(sum, 6 basins)							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				X	
Is or would be used as habitat by other migratory birds that cross state lines?				X	
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-

jurisdictional, isolated, non-navigable, intra-state aquatic resource area.
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**TYPE OF DETERMINATION:**                      **Preliminary      Or   Approved    X**

**ADDITIONAL INFORMATION SUPPORTING NJD** (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

The six wetlands are the only waterbodies present on the subject property. Five of the wetlands are ephemeral ponds located within a wooded area, while the sixth wetland is a dominated by reed canary grass and sedge.

The six wetlands lie entirely within Section 12 of Township 10N, Range 21E., Ozaukee County, Wisconsin. As such, the wetland boundaries lie entirely within the State of Wisconsin (intra-state wetlands). These wetlands do not display any connection to, nor are they considered adjacent to (separated by roadway or other anthropogenic structure) any waters of the U.S. The nearest connection is approximately ¼ mile to the west, and is an unnamed tributary to the Milwaukee River.

The six wetlands are not, nor are they likely to be, used by interstate or foreign travelers for recreation, industry, or commerce. The wetlands lie on private property, without any public access. In addition, the wetlands do not contain fish or shellfish which could be taken and sold. For these reasons, no commerce connection to the six wetlands has been established.